

Notice of Allowability

Application No.

10/649,757

Examiner

Charles E. Cooley

Applicant(s)

SANDS, LENNY

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application and petition to make special filed 26 AUG 2003.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 26 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 08262003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



Charles E. Cooley
Primary Examiner
Art Unit: 1723

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Cislo on 22 JULY 2004.

The application has been amended as follows:

Amendments to the Abstract:

Line 3: replace "means" with --member--;

Line 9: replace both occurrences of "means" with --member--;

Line 14: replace the first occurrence of "means" with --member-- and replace "a means" before "for sieving" with --an element--;

Line 15: replace "means" with --member--.

Amendments to the Specification:

Page 4, line 10: replace "exploded" with --inverted--;

Line 11: replace "inverted" with --exploded--.

Amendments to the Claims:

Claim 1, line 8: replace "container and" with --container; the bullet-shaped container comprising--.

Claim 2, line 1: delete "container base further comprises a";

Line 2: replace "body" with --container comprises one or more blades--.

Claim 4, line 4: replace "a" with --at least one--;

Line 7: delete "a body" and replace "and" with --the shaped container comprising--.

Claim 5, line 1: replace "mixer comprises" with --mixers each comprise--.

CANCEL nonelected claims 7-19, without prejudice.

* * *

2. The above changes were made in claims 1 and 4 to clarify that the locking means and tabs are on the container rather than the base as seen in Figs. 2A-2D, in claim 2 to delete repetitive subject matter and further define the means for agitating

similar to claim 5, and in claim 5 to clarify that both mixers recited in claim 4 have one or more blades. Claims 7-19 nonelected without traverse (per page 1 of the petition to make special) were cancelled without prejudice subject to the filing of one or more continuing and/or divisional applications since these claims are considered restrictable from elected claims 1-6. The amendments to the specification were made to properly correlate the description of the Figures to the particular view shown in the drawings. These changes were not made in view of any prior art issues.

3. The following is an Examiner's Statement of Reasons for Allowance:

The prior art of record does not teach or fairly suggest the a blender system having a base with means for rotating a shaft, a recessed well positioned at a top of the base, a pressure-actuated switch positioned about the periphery of the recessed well, and at least one locking groove which base is adapted to receive (i) a shaped container with a base and a mixer wherein the container has tabs extending from the container that engage with corresponding grooves in the recessed well and (ii) a blender container with a base and mixer, a sieve, and tabs extending from the blender container that engage with corresponding grooves in the recessed well.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley whose telephone number is (571)

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272-1139. The examiner can normally be reached on Mon-Fri. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Charles Cooley". The signature is fluid and cursive, with the first name "Charles" being larger and more prominent than the last name "Cooley".

Charles E. Cooley
Primary Examiner
Art Unit 1723

22 JULY 2004